IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.2990/02

Jagannath & Ors. **Versus** Board of Revenue & Ors.

DATE OF ORDER :: 01/05/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. H.R. Kumawat for Mr. S.N. Kumawat, for petitioners
Miss Mumtaz for Mr. R.K. Mathur, for respondent
Mr. Arun Sharma, Dy.G.A.

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Instant petition has been filed by petitioner assailing the order of the Assistant Collector dated 4th February, 2002 whereby his application filed for taking certain documents on record U/O13 R.2 CPC has been rejected and the revision petition preferred against the said order u/s.230 of Rajasthan Tenancy Act was also rejected by the Board of Revenue vide order dated 17th April, 2002.

It appears from the record that after filing of the suit, the evidence of the plaintiff was closed – against which revision petition was preferred before the Board of Revenue which was allowed vide order dated 1st March, 2001 and the petitioner was permitted to lead evidence in support thereof. At a later stage, he again moved application on 26th November, 2001 for taking certain documents on record. Learned Assistant Collector after taking into consideration the

material observed that this application has been filed to delay the proceedings. The xerox copies of the documents which the petitioner intends to place on record, have already been enclosed along with the suit and the revisional authority also after taking into consideration the material affirmed the said finding.

The suit was filed in 1993 and almost after more than 9 years, application was filed for taking certain documents on record, particularly, when xerox copies were already on record filed along with the suit itself. It appears application must have been filed to delay the proceedings. Even otherwise, if petitioner places reliance on the documents enclosed with the present application that can be referred to when he wants to lead his evidence.

Consequently, I find no force in the writ petition, the same stands dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.